

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, DECEMBER 1, 2009**

The City Council of the City of Leon Valley, Texas, met on the 1<sup>st</sup> day of December 2009 at 5:45 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**SPECIAL CITY COUNCIL WORKSHOP MEETING - 5:45P.M.**

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**Call to order.**

Mayor Riley called the Special City Council Workshop Meeting to order at 5:47 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, HR Officer/Assistant City Secretary, Police Chief Wallace and were also present.

**Convene into Executive Session in accordance with the Government Code, Section 551.074, "Personnel Matters": Discussion of performance evaluation and employment contract amendments of City Manager Lanny Lambert.**

Mayor Riley announced at 5:48 p.m. that the City Council would convene into Executive Session in accordance with the Government Code, Section 551.074, "Personnel Matters": Discussion of performance evaluation and employment contract amendments of City Manager Lanny Lambert.

**Reconvene into open session and consider any action as appropriate to Executive Session discussion.**

Mayor Riley reconvened the City Council into open session at 6:52 p.m. She announced that Council had been in executive session for the annual performance evaluation of the City Manager.

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to give the City Manager a cost of living increase of 2.5% with the start of the new year of his existing contract. Upon unanimous vote, Mayor Riley announced the motion carried.

Mayor Riley congratulated the City Manager for his work and everyone gave him a round of applause.

**Adjourn.**

Hearing no further business, Mayor Riley announced the meeting adjourned at 6:55 p.m.

**REGULAR CITY COUNCIL MEETING - 7:00 P.M.**

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**Call to order and Pledge of Allegiance.**

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Mayor Riley called the Regular City Council Meeting to order at 7:02 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Community Development Director Flores, Fire Chief Irwin, Public Works Director Vick, Assistant Public Works Director Stolz, Economic Development Director Ryan, HR Officer/Assistant City Secretary Caldera, and City Attorney McKamie were also present.

Mayor Riley welcomed everyone and asked Scout Michael Healey from Troop # 285, who is working on his Eagle Scout award, to lead the assembled group in reciting the Pledge of Allegiance.

**Presentation of status report by the Community Events Committee (Ryan).**

Economic Development Director Ryan introduced Committee Member Bobby Schaeff and Staff Liaison for this committee, Sylvia Gomez. Ms. Ryan thanked Council for their support of the committee and their events and turned the meeting over to Committee member Bobby Schaeff.

Ms. Schaeff presented information on the Committee's projects and events over the past twelve months. She introduced members of the committee and recapped events of FY 2009 on which the committee had worked: Los Leones Art Festival, Holiday Tree Lighting, Holiday Concert, Xeriscape/Beautification Contest, Independence Day Parade, and Grandparents Day Concert. She announced the dates of the same six events for FY 2010 and thanked the Council for their support.

Mayor Riley and the City Council thanked Ms. Schaeff and the committee for their work.

**Citizens to be heard and time for objections to the Consent Agenda.**

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no objections, she asked if anyone in the audience wished to speak for the "Citizens to be Heard" portion of the meeting.

Christina Rangel, 5900 El Verde Rd., addressed Council and asked them to support the residents who are against the buy out by Bexar County. Mayor Riley asked her to hold her comments on the subject of the Bexar County Flood Control Project until Agenda Item #8 was addressed.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

**Consent Agenda**

**Consider action to approve minutes of the Regular City Council Meeting of  
November 17, 2009 and the Special City Council Meeting of November 14, 2009  
(Feutz).**

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**Consider action on M&C # 12-01-09 with attached ordinance - a request to approve the Tax Roll for the City of Leon Valley, Texas, for the Year 2009 (V. Wallace).**

**Consider action to approve an Ordinance appointing a member to the Earthwise Living Committee (Hernandez)(Mayor Riley).**

**Consider action on M&C # 12-02-09 - a request to approve city sponsorship for use of the Leon Valley Community Center for a public meeting proposed for January 27, 2010 with VIA Metropolitan Transit presenting VIA's Long Range Comprehensive Transportation Plan to allow for community input (Feutz).**

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the Consent Agenda items as listed above. Upon unanimous vote, Mayor Riley announced the motion carried.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson, to suspend the regular order of the agenda to allow Agenda Item #9 before Agenda Item #8, as Agenda Item #8 will involve a considerable amount of discussion. Upon vote, Mayor Riley announced the motion carried.

**Action Agenda**

**Consider action on M&C #11-05-09 - with attached ordinance - a request by Mary Light, applicant and property owner, to the City Code of Ordinances, Chapter 3, "Building Regulations," Section 3.05.003(a), "Dimensions and Appearance - Residential Fences," to allow construction of an eight-foot (8") privacy fence at 7308 Linkmeadow Drive, being Lot 51, Block G, CB 4446A, Linkwood Addition Subdivision. This case was originally heard on Nov. 2, 2009 and action was postponed for additional information (Flores).**

Community Development Director Flores presented the variance request to Council which asks to allow an eight-foot tall privacy fence to be constructed at 7308 Linkmeadow on three sides of the property for the backyard. Ms. Flores stated that the property owner reports that the topography and elevation of the backyard along with the pool and patio is three feet higher than their adjacent neighbors. Ms. Flores noted that there were no similar variances in the area and provided information from the City Code which allows justification for granting a variance. Ms. Flores also reported that the neighbor at 7304 Linkmeadow Drive had sent a letter in agreement with the fence design submitted now by the applicant, after hearing Council's comments last month at the November 2, 2009 City Council meeting. The applicant's revised design showed pyramiding fence with a 24' span at the highest point and then gradually decreasing fence height slats down to the six-foot height.

Mr. Light addressed Council thanking them for the opportunity to have his variance reconsidered. When asked, he agreed that the pyramid-shaped fence diagram presented for this meeting was his revised proposal and he agreed that the fence along only one side of the property was acceptable.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve a variance which included the proposed revised fence design,, but only for one

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side of the property. Upon unanimous vote, Mayor Riley announced the variance was approved for the special revised fence design submitted today to Council on the one side of the Light's home, adjacent to the new residence and pool.

**Discussion on a request from Bexar County to approve an Interlocal Agreement for Watershed Projects with Bexar County for the Bexar County Flood Control - Huebner Creek Enhanced Conveyance (LC-17) Project, and Council to consider any action as may be appropriate (City Attorney).**

Mayor Riley explained to the group that the City of Leon Valley received a letter and a proposed Interlocal Agreement from Bexar County about ten days ago asking for its adoption. She stated that the "agreement" was identified in late October during a meeting with the citizens of El Verde and Jeff Loop with Bexar County. She stated that at that time, Commissioner Elizondo stated that the agreement was a mandatory part of the continuation of Bexar County's LC 17 flood control project. She asked the City Attorney to present information on the proposed agreement for Council and the audience.

City Attorney McKamie provided an overview of the proposed contract stating that it outlined the responsibilities of the City and County for Project LC 17 and he reconfirmed that this Project is a Bexar County project. He stated that the contract provides that the City has some input in the form of review of documents of the project, but, he stated that since the City does not have a financial commitment on the project, the City does not have the power of veto. Mr. McKamie stated that in the proposed contract, the City's responsibilities are basically to observe what goes on and to cooperate with the County during the project. He explained that "general oversight" does not really change our responsibilities other than to observe. Mr. McKamie stated that the way the contract was written with clauses stating that "upon substantial completion of the project," certain follow-on actions and responsibilities for the City would commence. He explained that the clause "substantial completion," used in this agreement could potentially put the City in the position of completing a project and financing the completion, should the project be considered in "substantial completion" and turned over by the County to the City for completion, but noted that the contract language was similar to the contract signed by the City of San Antonio.

Council expressed their concern about not knowing what the project maintenance will encompass as the design of the full project was left undecided after Bexar County's meeting on October 27, 2009, when Commissioner Elizondo stated that the project would look at alternatives. Councilmembers expressed their concerns that no alternatives have been submitted or revised plans received from the County following that October meeting. They also questioned why the contract did not define "substantial completion" anywhere in the contract. Councilmembers asked if it was practical to not sign this contract or any agreement as the project is a Bexar County project, not a City of Leon Valley project. It was also suggested that perhaps the City was in a better position to ask the County for additional accommodations before signing this maintenance agreement and questioned whether the City should ask for other expert review of the project.

The City Attorney reiterated that the project is a Bexar County project, and the project called for the City of Leon Valley to operate, maintain and repair the area after completion of the project so that the project will function as designed. He offered to meet with County attorneys if Council wishes him to negotiate, on behalf of the City, for revised agreement language. He also stated that the City can make a counter proposal, but they should be willing to pay for any project

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changes and he stated that making changes to the proposed project could affect the time line for this project.

City Engineer Sayyadi reminded Council that earlier in the project additional retention ponds along Huebner Creek and an underground drainage system were studied but those ideas were found to not be acceptable because of cost and slowing the creek flow was not an option for flood control.

Councilmembers asked that the agreement and the release of the appraisals for the residents not be tied together. The City Attorney explained that in other projects he has been involved in they were not tied together, but this project may require that all agreements be signed before property acquisition is offered.

Resident Monica Donahue addressed Council stating that 90% of questions have been answered in last three years. She stated that the County has given reasons why they can't build a lake, why they can't take the land on the south side of the creek rather than the north side of the creek, and they have stated that they are starting in Jan 2010 on the Ingram Road area of this project. She stated that if Council delays, Bexar County will use up the money and Leon Valley will lose out.

City Manager Lambert stated that Art Villarreal, of Bexar County, did show the City a sample maintenance agreement early on in the process but it was never stated that this agreement would be a deal breaker until Commissioner Elizondo virtually made that announcement at the October 2009 meeting.

Lee Cox, 5712 El Verde Rd., asked if the City's responsibility started when the full three phases of the project were completed and he asked why this push to buy the houses now - was it because housing values are at a record low with the current economic situation?

Paul Farrar, 5812 El Verde Rd., urged Council to delay signing or wait to get more information on the agreement until final design is given to the City so that the City will know how much they will have to be responsible for and to maintain. He explained that he used to repair airplanes and stated that you "don't take keys until safe to fly" and he urged Council not to sign until they know what they are really signing.

Carl Raborn, 6200, 6208, and 6212 El Verde Road, stated that Council has raised a lot of questions that need expedient answers so that the residents can know what to do. He asked that Council also keep the citizens informed.

Christina Rangel, 5900 El Verde stated that in regards to what Councilman Reyna said about looking into alternatives to help constituents who are in fear of flooding and in fear of losing their homes, she encouraged Council to apply for grants from FEMA to save the homes in this neighborhood, which she states was below the poverty level.

Joe Shaw, 6209 Jeff Loop, asked if Bexar County runs out of money after the Leon Valley homes have been bought out and moved out, what happens then? He asked that Council help the citizens get their appraisals now rather than later and told Council that he had never signed a contract before knowing all the facts and urged them to do the same.

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Guillermo Campos, 5704 El Verde, stated he agrees that the term “substantial completion” verbiage is too ambiguous and agrees with Council’s concerns on negotiating more specific language in the contract. He addressed issues of alternative solutions and described how he had read the hydrologist and engineers reports on this project with his deductions as follows:

Regarding detention ponds - he explained that the records indicate that Bexar County needs at least 200 acres for a detention pond, and there was not enough area. He reported that after further reading of the most recent documents, it appears that the area available for detention ponds was not the reason that the detention pond idea was abandoned. He stated that the idea was not considered feasible due to the timing of peak flow from Huebner and Leon Creeks meeting at their confluence. He stated that the reports indicate that if you have significant rainfall in the Leon Creek and Huebner Creek at the same time, the water of the Huebner Creek peak flow arrives at the confluence of the two creeks one hour and six minutes before the peak flow arrives from Leon Creek; therefore, the detention pond idea was abandoned so that the flow from Huebner Creek can enter the Leon Creek before the Leon Creek peak flow arrives at the confluence of both creeks. He explained that if the two creek peak flows arrived at same time, it would increase flooding. He stated that logic dictates that any detention ponds should be built in Leon Creek, not Huebner Creek.

Regarding increasing the depth of the Huebner Creek channel to increase the water carrying capacity of the creek. He explained that a defacto wall exists at Huebner Creek for water draining from Grissom Road toward Huebner Creek. He stated that the “wall” allows water to backflow onto El Verde from the creek and stops flood waters from the drainage on Grissom Road from flowing into Huebner Creek adding to more flooding on El Verde Road. He reported that the increased depth of the creek bed at Bandera Road has only enhanced this wall, but it will have a positive effect on future flooding at the Fire Station and others up closer to Bandera Road, but not for the lower end of El Verde Road.

Regarding hydrologist reports, he reported that if the grade of the Huebner Creek could be dropped to reduce the number of properties that would have to be removed, but the grade at Huebner and Bandera Road is 804 feet, and at the confluence of the Huebner and Leon Creeks, almost 7,000 feet away, you will need a 1% grade or a drop of at least 70 feet. He stated that the reports indicate that a 3% grade is preferred resulting in a 210-foot drop for proper grading.

Mr. Campos stated that something needs to be done and agrees the contract is faulty, but asked that Council work on negotiations to get the appraisal offers without waiting for the contract to be finalized.

Mr. and Mrs. Gallardo, 6316, 6312, 6308, and 6304 Jeff Loop, explained that they had built their dream home in Leon Valley five years ago and they know the City has their best interest at heart, but as a school teacher, Mr. Gallardo asked Council to “take the test, that enough studying of the situation has been done.”

Alice and Jessie Martinez, 5708 El Verde, addressed Council asking for a decision to be made and that the project be allowed to proceed with the residents getting their property appraisals and that the safety of the neighbors be considered. Mr. Martinez stated that other Councils have asked for something to be done, but still nothing has changed and everyone’s lives are still on hold. Mr. Martinez asked Council to get the right contract.

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James Scheffler, 6205 Jeff Loop, addressed Council stating that in the original plan, only the South side of Jeff Loop was proposed for the buy out. He asked why was all of Jeff Loop now being considered and asked that senior citizens who don't mind living in the flood way be allowed to stay in their homes. He stated that in 1998, they were not flooded on that side of the road and they didn't feel in danger and wanted to stay in their homes.

Councilman Reyna asked that the comments and concerns presented be included a counter offer. Mayor Riley asked that a meeting be set up for the City Attorney and Bexar County with a report back to Council at the next City Council meeting. Councilmembers asked that the City Manager and the Mayor ask for the appraisals for the residents before the contract details are finalized. The City Attorney was directed to work on revising the contract language.

Mayor Riley announced a short recess at 8:55 p.m.

Mayor Riley called the meeting back to order at 9:03 p.m..

**Consider action on M&C # 12-03-09 with attached ordinance - a request to amend the City Code of Ordinances, Chapter 14 "Zoning," amending Section 14.02.304 "Description and purpose of districts" to add (b) "Purpose of overlay districts and applicability," amending Section 14.02.305 "Regulations for all districts" to add (m) "Overlay Districts," and adding Appendix C "Sustainability Overlay District and Commercial and Industrial Overlay District Standards." On November 23, 2009, the Zoning Commission recommended approval by a vote of 7 to 0. (Halff Associates/ Flores).**

**A. Public Hearing**

Jim Carrillo, Planning Director for Halff Associates, addressed Council presenting information on the changes proposed for the amendments to the Zoning Chapter of the City Code of Ordinances and he presented the recommendations of the Zoning Commission, from their meeting held on November 23, 2009. He reported that the information had also been presented to the Chamber of Commerce. He reminded them of the major sections to include: use table, landscaping, signage, and specific standards for the Sustainability Overlay District and the Commercial/Industrial Overlay District. Mr. Carrillo explained that the triggering mechanism for existing development to meet the new standards are with the property's improvements or the value of the property increasing by 51% or more so that non-conforming structures, when expanded, will be brought into conformity in proportion to the amount of work being done. He noted that the 51% rule shall be cumulative over any five-year period, and if the improvements equal less than 51%, only streetscape and building colors shall be brought into conformity. Mr. Carrillo noted that on issues of building color, the issue can be appealed to the City Council.

He stated that amended code language lets property owners know that color choices or patterns that change a building into a "sign" and are not permitted. He informed Council that the new standards do not prevent or restrict LED signs and he said that the City may wish to address this issue on a citywide basis at a later date. Mr. Carrillo also noted that awning signs have been added as allowed signs. Overall, Mr. Carrillo noted that the use requirements in the new standards become effective as soon as the code amendments are passed by Council and he reminded them that the City already has an effective time period of 120 days to trigger non-conformity.

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Members of Council discussed their opposition to bright LED signs that are distracting to drivers and that TxDOT already has some rules. Councilmember Nelson asked for clarification to be added to define the standards for bike parking. Councilmembers recommended that LED lighting, bike parking, light shielding language in the City Code be standardized in the future and, where applicable, a reference could be added so that developers can find the rules easily.

Zoning Commission Chairman Guerra addressed Council stating that the Commission had voted 7 to 0 to favorably recommend the new Zoning Code amendments with the changes presented by Mr. Carrillo. He stated that, as a member of the Leon Valley Economic Development Corporation (LVEDC), he was looking forward to the next phase of this process noting that the first phase of the redevelopment plan created the environment for positive development in the City and the next phase would look at incentives to encourage the redevelopment. He recommended moving forward as soon as possible with the new tools in this phase toward implementing the changes in Leon Valley.

Councilman Garcia recommended a workshop for the LVEDC with Council to give them some tools to move forward.

Mr. Carrillo stated that the follow-up component to this phase of the redevelopment plan would be the incentives that the City could begin to put in place to encourage or to provide a catalyst for projects to move forward. He noted that as redevelopment begins they may need to tweak this portion of the redevelopment plan.

Mayor Riley opened the public hearing at 9:45 p.m. and invited anyone in the audience to address Council on the Zoning Code amendments.

Hearing no one, Mayor Riley closed the public hearing at 9:46 p.m.

**B. Council to consider action on ordinance**

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the proposed ordinance amending the Zoning Chapter of the City's Code of Ordinances, as proposed at this meeting with a change in the verbiage for "bike rack" to be "bike space", and to add a prohibition of all new LED signs until further notice. Upon unanimous vote, Mayor Riley announced the motion carried and the amendments approved and all new LED signs will be prohibited until further notice.

Councilman Reyna announced the moratorium will remain in place until its expiration on December 18, 2009. Mayor and Council thanked Halff Associates and staff for their work.

**Consider action on M&C # 12-04-09 - a request to approve the purchase of 55 acre feet of water rights (Stolz)**

Assistant Public Works Director Stolz addressed Council informing them that on April 21, 1009, Council was briefed on the continuing need to acquire water rights of their vote to approve additional water rights or leases to meet the existing demand for water. He reported that staff placed an order with our agent, the Regional Water Resource Development Group (RWRDG) for 200 acre feet at that time with water rights at that time selling for \$5,500/a.f. . Mr. Stolz reported that an offer to purchase 55 a.f. was received from RWRDG for 55 acre feet at \$5400/a.f.. He



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also reported that the overall cost would be \$5400 per acre foot plus a 1.5% fee to the agent, RWRDG. Mr. Stolz said that the account balance from impact fee revenue currently exceeds the cost for this purchase.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the request to purchase the 55 acre feet of water as requested. Upon vote, Mayor Riley announced the motion carried.

**Discussion Agenda**

**City Manager's report.**

**A. Update on CPS Energy Franchise Agreement negotiations and priorities**

City Manager Lambert informed Council that four cities (Shavano Park, Balcones Heights, Leon Valley, and Helotes) were working together as the "Suburban Cities Alliance" to further franchise agreement negotiations with CPS Energy. He named the three top priorities for the negotiations: use of CIED funds, for CPS Energy to continue and expand their incentives for renewables - solar and wind energy, and higher franchise fees that could be phased in over time. He reported that a meeting is planned with CPS Energy's James McAden next week and that Helotes' Mayor was elected Chairman of the negotiation group and Councilmember Baldrige as Vice Chair.

**B. Update on grant applications and project**

Mr. Lambert reported on the STEP application for \$2.4 million from the State for enhancements with the beautification of Bandera Road is about to be submitted. He said that Universal City matched 35% in their grant application for Pat Booker Road improvements in the past to improve their grant award chances. He stated that the STEP grant requires a city match of 20% of the grant award. Mr. Lambert said that he felt that with an increased contribution rate, we may have a better chance of getting the grant and that he would try to use the CIED funds as part of the City's matching contribution. For the grant application, Mr. Lambert reported that Halff Associates, Jim Carrillo, helped with a great design.

**C. Update on petition received from residents of Hodges Drive**

Mr. Lambert reported on the petition received at the last meeting from residents of Hodges Drive stating that he will give a report based on reports from the Chiefs at the next meeting. Councilmember Reyna asked for any staff recommendations to include alternatives to the road closure if staff did not recommend road closure.

Mayor Riley recognized resident Charlie Pena, 4908 Hodges Drive, who asked that Council to approve the road closure and to consider a gate with a hex lock to close the road to the general public, except to the police and fire.

Resident Ms. Mercado, 4904 Hodges Drive, addressed Council stating that she has been robbed twice and she feels the road closure will increase the safety of the neighborhood.

Councilmember Nelson asked for information from Waste Management can be included in the recommendations to see if they will be able to back up their trucks if the street is closed.

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The City Manager asked if every resident had to sign the petition before the City closes the street. Mr. McKamie stated that it was not a requirement, but he recommended that all sign the request, as most cities do require that all sign.

**Citizens to be heard.**

Resident Nancy Marin, 7222 Forest Meadow, stated that she was thrilled with the possible grant award for beautification of Bandera Road and recommended that the City contribute 36% or more to catch the attention of those who award the grant.

**Announcements by Councilmembers and Mayor.**

- A. Report on Leon Valley Recycles Day 2009 and filmfest held on Nov. 19, 2009.**  
Mayor Riley reported that the event was a great success.
- B. Report on 1<sup>st</sup> Annual Arbor Day Celebration held on November 21, 2009.**  
Mayor Riley complimented Community Development Director Flores and the Tree Advisory Board on a successful event.
- C. Report on upcoming public holiday events - Tree Lighting- December 7, 2009 and Holiday Concert - December 13, 2009.**  
Mayor Riley reminded everyone of the upcoming holiday events.
- D. Update on the Lackland AFB Joint Land Use Study (JLUS) Program.**  
Councilman Reyna announced he would be attending a meeting with the JLUS on Dec. 2, 2009.
- E. Community meeting for SmartWaySA - VIA's long-range comprehensive transportation plan discussion for input from the public - January 27, 2010 at 7:00 p.m.**

City Attorney McKamie announced good progress on the Elijah Case.

Councilmember Nelson announced that she will be late at the next Council meeting due to her son's band concert starting at 6:30 p.m. She also reported that she will be speaking at Driggers Elementary School for Career Day on December 2, 2009.

**Adjourn.**

Members of the City Council and the audience extended birthday greetings to Mayor Riley.

Hearing no further business or discussion, Mayor Riley announced the meeting adjourned at 10:15 p.m.

Mayor Chris Riley

Marie Feutz  
City Secretary

*Approved by unanimous vote of City Council at the Regular City Council Meeting of Dec. 15, 2009*